Before the FEDERAL COMMUNICATIONS COMMISSION ECEIVED Washington, D.C. 20554

AUG 1.8 1995

In the Matter of)	FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SEGRETARY
Preparation for International Telecommunication Union World Radiocommunication Conferences)))	IC Docket No. 94-31 DOCKET FILE COPY ORIGINAL

To: The Commission

FURTHER SUPPLEMENTAL REPLY COMMENTS OF THE ASSOCIATION OF AMERICAN RAILROADS

The Association of American Railroads ("AAR"), by its undersigned counsel and pursuant to Section 1.415 of the Rules of the Federal Communications Commission ("FCC" or "Commission"), hereby submits these Supplemental Reply Comments in the above-captioned proceeding. These Supplemental Reply Comments address the Further Supplemental Comments of Leo One USA Corporation ("Leo One") submitted on August 4, 1995 in this proceeding.

As the Commission is aware, AAR's member railroads make extensive use of frequencies between 100 and 500 MHz for their mobile communications systems, many of which support important safety-related missions, especially frequencies in the 160.215-161.565 MHz band and between 452.325 and 457.950 MHz. AAR has been an active participant in this proceeding with respect to NVNG-MSS sharing of the bands currently allocated for land mobile use.

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See Section 90.91 of the Commission's Rules, 47 C.F.R. Section 90.91.

AAR wishes to make only one point in this reply, namely, that there is a significant difference between what is stated in Leo One's August 4 Further Supplemental Comments and what is contained in Leo One's accompanying study by LINCOM Corporation.

The LINCOM Downlink Report, which Leo One referenced in its Further Supplemental Reply Comments, looked at various frequencies between 100 and 500 MHz and analyzed them with respect to levels of human-made and environmental noise in various locations. Noise from intentional transmissions, such as nearby terrestrial transmitters, was specifically "not an issue" in the study because, as the study admitted, "NVNG-MSS systems generally cannot share their subscriber downlink spectrum with terrestrial services." The study analyzed eight specific frequencies, none of which is used for terrestrial mobile services, and concluded that the noise levels measured in the study "will not pose serious operational problems with respect to Leo One USA downlink communications."

In contrast, the text of Leo One's Further Supplemental Comments, a copy of which was served on AAR without the Downlink Report, did not reflect the limitations of the Downlink Report, particularly with respect to the scope of frequencies analyzed by the study. In its introductory remarks in its pleading, Leo One referred to its earlier

Leo One Downlink Band Noise Measurements, prepared by LINCOM Corporation, dated July 24, 1995, and filed with the Commission on August 4, 1995, at 1 (emphasis added).

³ <u>Id.</u> at Figure 1-1. The frequencies analyzed were 137.0125 MHz, 137.4175 MHz, 137.4445, 137.4725 MHz, 388.1 MHz, 388.75 MHz, 402.5 MHz and 405.237 MHz.

⁴ <u>ld.</u> at 3.

commitment to undertake "detailed sharing studies" and to forward to the Commission when completed "the results of those studies;" in this vein, Leo One referenced its earlier report on uplink sharing and stated that "[t]he Downlink Report is now finished and is being submitted herewith," thus giving the impression that the Downlink Report was a "sharing study." In its concluding sentence, Leo One stated that its Downlink Report demonstrated that "NVNG-MSS systems can successfully operate in the bands between 100-500 MHz, "6 thereby giving the impression to one who had not read the Downlink Report that NVNG-MSS operation was possible in all of the indicated bands.

As made clear above, however, the LINCOM Downlink Report is <u>not</u> a sharing study and is <u>not</u> an analysis of all frequencies between 100 and 500 MHz. Instead, it is merely a thermal noise analysis of eight specific frequencies that are not even used by land mobile systems. Most importantly, the LINCOM Downlink Report admits not once but twice that NVNG-MSS systems <u>cannot</u> share downlink spectrum with land mobile systems, <u>i.e.</u>, "The results of this study show that NVNG-MSS systems can successfully operate their downlinks in several VHF and UHF bands <u>not shared with terrestrial</u>

⁵ Further Supplemental Comments of Leo One USA Corporation, August 4, 1994, at 1.

⁶ Id. at 3.

services," and again, "...NVNG-MSS systems generally cannot share their subscriber downlink spectrum with terrestrial services."

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

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August 18, 1995

⁷ LINCOM Downlink Report at 1 (emphasis added).

⁸ <u>Id.</u> (emphasis added).

CERTIFICATE OF SERVICE

I, Deirdre Johnson, hereby certify that on this 18th day of August, 1995, copies of the foregoing "Further Supplemental Reply Comments of the Association of American Railroads" were mailed, postage prepaid, to the following:

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